

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE O. MAES,

Defendant.

4:21-CR-3028

TRIAL ORDER

IT IS ORDERED:

1. The parties' joint Motion to Continue ([filing 106](#)) is granted.
2. This case is set for a jury trial before the undersigned judge in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska, commencing at **9:00 a.m. on Monday, October 31, 2022**, or as soon thereafter as the case may be called, for a duration of 3 trial days.
3. The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and October 31, 2022, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. [18 U.S.C. § 3161\(h\)\(1\) & \(h\)\(7\)](#). Failing to timely object to this order as provided

under this Court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

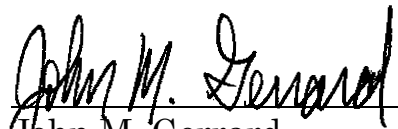
4. A hearing pursuant to *Missouri v. Frye* is set before the undersigned judge at **8:30 a.m. on Monday, October 31, 2022** in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
5. A pretrial conference is scheduled to be held before the undersigned judge in chambers at **3:30 p.m. on Friday, October 28, 2022**.
6. The filing, briefing, and hearing of pretrial motions, including *ex parte* motions and applications, shall be governed by NECrimR [12.1](#) to [12.6](#). Motions shall be filed on or before **Wednesday, October 26, 2022**. Counsel must immediately notify the Court of any pretrial motion requiring an evidentiary hearing outside the presence of the jury.
7. Counsel shall inform the Court that a defendant has elected to change his or her plea within 5 days before trial or as soon as practicable.
8. The plaintiff shall file and serve on opposing counsel on or before **Wednesday, October 26, 2022**, as appropriate, all proposed jury instructions, trial briefs, suggested verdict forms, and witness lists. In particular, the plaintiff's witness list shall include the full name and address of each witness whom the party may call to testify at trial.

9. The defendant is also encouraged to provide the Court, on or before **Wednesday, October 26, 2022**, proposed jury instructions and a trial brief. Any materials so submitted shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
10. Exhibits must be listed before trial on exhibit forms available from the Clerk's office or on the Court's external web page at <http://www.ned.uscourts.gov/forms>. The exhibits should be numbered as provided by NECrimR 12.7.
11. The courtroom deputy will take custody of the exhibits after they are received by the Court.
12. Parties shall deliver to the Court, on or before **Wednesday, October 26, 2022**, trial copies of all exhibits in a three-ring binder organized for use by dividers or tabs. Exhibits provided by the defendant shall not be disclosed to the plaintiff unless the defendant specifies otherwise.
13. At 9:00 a.m. on the first day of trial, the Court will meet with counsel and clients, on the record in the courtroom. This will be an opportunity to dispose of any motions and last minute matters, prior to trial. Voir dire will commence immediately thereafter.
14. Each subsequent day of trial will begin at 8:45 a.m. unless the Court directs otherwise.

15. Questioning of witnesses will be limited to direct examination, cross-examination, and redirect examination unless the Court allows further examination.
16. The Court will conduct an initial voir dire of the prospective panel. Counsel will be permitted to conduct follow-up voir dire in areas not covered by the Court's examination or in an area which may justify further examination in view of a prospective juror's response during the Court's voir dire.
17. Witnesses who do not appear to testify when scheduled will be considered withdrawn. The trial will then proceed with the presentation of any remaining evidence.
18. A list of the equipment available in the courtroom, and a virtual tour of the courtroom, is available on the Court's external web page at <http://www.ned.uscourts.gov/attorney/courtroom-technology>.
19. Counsel shall notify the courtroom deputy at least a week in advance if the services of an interpreter will be required for a hearing or trial.

Dated this 28th day of September, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge